

COUNCIL POLICY**CURRENT**

SUBJECT: SOLID WASTE & RECYCLING FACILITIES SITING &
EXPANSION POLICY
POLICY NO.: 200-20
EFFECTIVE DATE: July 29, 1997

BACKGROUND:**Local and Regional Waste Management Plans**

The California Integrated Waste Management Act (AB 939) enacted in 1989, changed the solid waste management and regulatory structure in California to emphasize waste reduction and recycling. It requires each jurisdiction in the State to reduce its 1990 waste stream by 50% by the year 2000 and to develop local programs and facilities plans to guide jurisdictions' solid and household hazardous waste management practices and waste reduction efforts. It also requires each County, in coordination with the incorporated cities within the County, to prepare a Summary Plan summarizing the programs and facilities described in the local plans, and a Siting Element describing existing and proposed disposal facilities. These local plans known as the Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element (HHWE), and Nondisposal Facilities Element (NDFE), and the countywide plans, the Siting Element and Summary Plan, constitute the County Integrated Waste Management Plan (CIWMP).

The County of San Diego IWMP and its various components have been approved by the California Integrated Waste Management Board (CIWMB) and collectively serve as the waste management planning and policy document for the County and the incorporated cities in the County. Two of its elements in particular, the local NDFEs and the Countywide Siting Element, play a significant role in the local and state permitting of facilities which transfer, recycle, compost, transform, or dispose of solid waste.

State Permitting Of Solid Waste & Recycling Facilities

Under State law, the County and each of the incorporated cities in the County are required to designate a Local Enforcement Agency (LEA). The LEA, certified by the CIWMB and serving on its behalf, is responsible for the issuance of permits to operate solid waste facilities, and recycling facilities under the regulatory purview of the CIWMB. The LEA is also responsible for the inspection of such facilities and the enforcement of State regulations.

Prior to 1995, all solid waste facilities handling mixed municipal waste required Full Solid Waste Facilities Permits before operations could commence. To streamline the permitting process while ensuring adequate protection of the public health and safety, the State enacted a tiered permit structure in 1995. Depending on the type of facility and the amount and type of materials handled, and operation may be excluded from State permitting, or may be subject to minimal requirements such as notifying the LEA of its activity (Notification Tier), standard facility permits and minimal operating standards (Registration or Standard Permit Tiers), or a Full Solid Waste Facilities Permit. The Full Permit is the only solid waste Facility permit subject to the California Environmental Quality Act and facility specific conditions. It is also the only State facility permit for which local land use approvals must be included as part of the application.

Prior to establishing or expanding a solid waste facility, State law requires the facility to be described in the NDFE of the jurisdiction in which the facility is proposed if it is a transfer station or a recycling facility subject to State permitting, or the Countywide Siting Element if it is a disposal or transformation facility.

If the facility is not described in the NDFE or Siting Element, then an amendment to the document to include the facility is required before the LEA may issue the State permit to operate or expand. An amendment to the Siting Element requires approval by the County of San Diego and the majority of the population of the incorporated cities, whereas, an amendment to the NDFE requires approval by the governing body of the host jurisdiction only.

City Of San Diego Permitting Of Solid Waste & Recycling Facilities

The City of San Diego Municipal Code includes land use regulations and development standards for the siting of privately owned or operated solid waste facilities that collect and process materials separated from the municipal waste stream for recycling. These types of facilities are typically referred to as recycling facilities. The regulations do not address the siting of privately owned or operated solid waste facilities handling mixed municipal solid waste such as transfer facilities, materials recovery facilities, landfills, and transformation facilities. Therefore, a solid waste facility handling mixed municipal solid waste could only be permitted in the City of San Diego with City Council approval of an amendment to the zoning code to allow the establishment of such use in the City of San Diego.

Issue

Facilities that handle solid waste have the potential of creating impacts and health and safety hazards if not properly operated, particularly those handling mixed municipal solid waste. Depending on the proximity of such facilities to residences, parks, schools, and other institutions, State minimum operating standards may not be sufficient to adequately address nuisances and protect the public health and safety from potential hazards. While solid waste facilities have a potential for creating adverse impacts on the surrounding community and have consequently become very difficult to site, such facilities are a vital component of the City's waste management infrastructure and their existence is necessary to ensure the proper handling of solid waste generated in the City.

The City of San Diego Municipal Code Section 101.2002 includes adequate guidelines for the siting of recycling facilities that collect and process materials separated from the municipal waste stream. However, there are no local regulations governing the siting of solid facilities handling mixed municipal waste. To allow the siting of such facilities while ensuring a high quality of life for the citizens of San Diego, it is important that proposals for solid waste facilities be evaluated on a case by case basis and in relation to the immediate surrounding land uses and local waste management goals and plans, undergo environmental review, and be subject to site specific conditions as necessary.

PURPOSE:

State law gives local jurisdictions broad discretion in determining the methods of providing solid waste services within the jurisdiction. The purpose of this policy is to:

1. provide guidance in the siting of new or expansion of existing facilities which transfer, store, recycle, compost, transform, or dispose of solid waste, in the City of San Diego; and

2. To ensure City Council opportunity to consider such proposals in relation to local waste management goals and plans and potential environmental consequences before the issuance of local land use permits and / or State operating permits.

DEFINITIONS

“Solid Waste Facility” means a facility that receives solid waste for transfer, storage, recycling, transformation, or disposal.

“Solid Waste” means all materials specified in Public Resources Code Section 40191.

“Recycling Facility” means a facility which receives solid waste separated from the municipal waste stream for recycling and / or composting, and which is identified in Section 101.2002 of the San Diego Municipal Code.

“Expansion” or “Expand” means any increase in throughput at, and / or structural enlargement of, an existing permitted solid waste or recycling facility.

POLICY:

It shall be the policy of the City Council that:

1. Any proposal to site or expand a Recycling Facility in the City of San Diego shall be subject to the land use restrictions, permit requirements, review process, and development standards specified in Municipal Code Section 101.2002.
2. Any proposal to site or expand a Solid Waste Facility in the City of San Diego shall be subject to the California Environmental Quality Act, City Council approval of the land use permit, and site specific conditions as appropriate.
3. Prior to the issuance of any land use permit for the siting or expansion of a Solid Waste or Recycling Facility, the City Council shall first consider an amendment to the City of San Diego Nondisposal Facility Element or Siting Element, whichever appropriate, and be given an opportunity to evaluate the effects of the facility on the local waste management plans and contribution to the 50% mandate.
4. A proponent of a new or expansion of an existing Solid Waste Facility shall be required to submit a through project description as part of the land use permit application containing the following information:
 - a. description of facility operation and technology;
 - b. types of materials to be accepted and processed;
 - c. facility capacity and throughput per operating day and annually;
 - d. quantities and types of materials to be recycled and diverted, if any;
 - e. anticipated truck traffic;
 - f. ingress and egress strategies;
 - g. strategies to minimize and control noise, vector, odor, and other nuisances;
 - h. the anticipated origin of materials (by jurisdiction);
 - i. the destination of materials (end users, markets, disposal sites); and
 - j. other information deemed appropriate by the land use authority.

5. The owner/operator of a Solid Waste Facility shall enter into an agreement with the City of San Diego prior to the establishment or expansion of a Solid Waste Facility.
6. State and federal legislation and regulations concerning the operation and/or permitting of Solid Waste or Recycling Facilities that provide adequate protection of the public health and safety shall be supported.
7. State and federal legislation and regulations that lower the permitting or operating standards for Solid Waste or Recycling Facilities to a level deemed to threaten the health and safety of the community, or legislation and regulations that reduce local control and autonomy in dealing effectively with its responsibilities for solid waste management, shall be opposed.

HISTORY:

Adopted by Resolution R-289009 7/29/1997